

FILED

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

(Alexandria Division)

DEC 27 2012

CLERK OF COURT  
FEDERAL BUREAU OF INVESTIGATION

**HUGHES SYSTIQUE CORPORATION**  
**15245 Shady Grove Road, Suite 330**  
**Rockville, MD 20850**  
**Plaintiffs,**

v.

**HSC.COM**

**Defendant.**

Civil Action No. *1:12CV1498*  
*TSE/JFA*

**COMPLAINT**

Plaintiff Hughes Systique Corporation ("HSC") complains and alleges as follows:

**NATURE AND BASIS OF ACTION**

1. This is an *in rem* action asserted under the provisions of the Anticybersquatting Consumer Protection Act, 15 U.S.C. §1125(d), against the Internet domain name <hsc.com>.

2. The <hsc.com> domain name was hijacked from HSC by unknown hackers and has been transferred to a domain name registrar in China. The domain name registrar has refused to return the domain name.

3. The <hsc.com> domain name was originally registered by HSC in or about 2005, and has been in continual use by HSC since that time. The domain name is the ".com" version of HSC's mark, and has been used by HSC to host its website and to provide email connectivity to its employees. HSC has used the mark "HSC" in the United States and India since its formation in 2005, and is the mark by which HSC is commonly known.

4. The domain name <hsc.com> is currently registered to unknown persons. The WHOIS record for the domain name identifies the current registrant as “LinYu,” and shows that the current registrar is eName Technology Co., Ltd. The following is the current published WHOIS information.

WHOIS search results for:

**HSC.COM**

Registered

Domain Name : hsc.com

Registrant  
LinYu

Domain Name Server :  
dns1.iidns.com  
dns2.iidns.com  
dns3.iidns.com  
dns4.iidns.com  
dns5.iidns.com  
dns6.iidns.com

????????????????????????????????????http://whois.ename.net/hsc.com  
For more information, please go to: http://whois.ename.net/hsc.com

Registrar: ENAME TECHNOLOGY CO., LTD  
Whois Server: whois.ename.com  
Creation Date: 22-AUG-1998  
Updated Date: 14-DEC-2012  
Expiration Date: 21-AUG-2014

Nameserver: DNS1.IIDNS.COM  
Nameserver: DNS2.IIDNS.COM  
Nameserver: DNS3.IIDNS.COM  
Nameserver: DNS4.IIDNS.COM  
Nameserver: DNS5.IIDNS.COM  
Nameserver: DNS6.IIDNS.COM

Registry Status: clientDeleteProhibited  
Registry Status: clientTransferProhibited

5. A true and correct copy of the current WHOIS listing is attached as Exhibit A. Plaintiff seeks an order compelling VeriSign Global Registry Services (“VeriSign”) to change the registrar of the <hsc.com> domain name so that it may be returned to HSC and registered in HSC’s name.

#### **PARTIES, JURISDICTION AND VENUE**

6. Plaintiff HSC is a Delaware corporation, with its principal place of business in Rockville, Maryland. Pursuant to 15 U.S.C. §1125(d)(2)(C)(i), a domain name is deemed to have its situs in the judicial district in which the domain name registrar, registry, or other domain name authority that registered or assigned the domain name is located. VeriSign is the registry for all

domain names in the “.com” top-level domain, and VeriSign’s principal place of business is located in Reston, Virginia. As a result, the domain name <hsc.com> is properly deemed to be located within this judicial district. This Court has jurisdiction over the subject matter of this action pursuant to 15 U.S.C. §1121 and pursuant to 28 U.S.C. §1331.

7. The Court has jurisdiction over the <hsc.com> domain name pursuant to 15 U.S.C. §1125(d)(2)(A). HSC is not able to obtain *in personam* jurisdiction over the current registrant of the domain name because the WHOIS information does not reveal its identity.

8. HSC has sent a notice to the current registrant, via the current domain name registry, informing it of its violation of ACPA and HSC’s intent to proceed with this lawsuit.

9. Venue is proper in this Court pursuant to 28 U.S.C. § 1391.

#### **FACTS GIVING RISE TO THIS ACTION**

10. HSC is a telecommunications company which does business in Maryland and in India, among other place. HSC is owned, in part, by Hughes Network Systems, LLC, a global provider of Internet and telecommunications services.

11. Since its formation, HSC has used the mark “HSC” to describe its business and operations.

12. The domain name <hsc.com> was originally registered by Hughes Space and Communications Company in 1998 and has been used by Hughes and HSC since that time. It was transferred to HSC in 2005, and has been owned by, used by and registered to HSC since that time. HSC used the domain name for its publicly facing website and, among other things, to provide email addresses and connectivity to its employees. A copy of the homepage of HSC’s website (now unavailable) is attached as Exhibit B.

13. HSC registered the domain name through domain name registrar GoDaddy, Inc., and maintained the domain name within its account at GoDaddy.

14. On or about December 14, 2012, HSC learned that unknown hackers had accessed its GoDaddy account and had transferred the domain name to Chinese registrar eName Technology Co., Ltd. (“eName”).

15. HSC has worked diligently, but without success, to recapture this stolen domain name. At HSC’s request, GoDaddy contacted eName, requesting that it return the domain name to GoDaddy. eName refused that request.

### **COUNT 1**

#### **Violation of the Anticybersquatting Consumer Protection Act**

16. HSC incorporates herein and realleges, as if fully set forth in this paragraph, the allegations of Paragraphs 1 through 15 above.

17. The hacker’s registration and use of the domain name <hsc.com> improperly, and without right or authority, uses HSC’s mark in a manner that is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association with HSC, and is likely to deceive Internet users as to the origin, sponsorship, or approval of the commercial activities of the current domain name registrant. The current registrant of the domain name has a bad faith intent to profit from HSC’s mark and from the registration and use of the domain name.

18. The domain name <hsc.com> violates HSC’s rights in a mark protected under 15 U.S.C. §1125(a), and HSC is entitled to bring an *in rem* action pursuant to 15 U.S.C. §1125(d)(2)(i).

19. Despite due diligence, HSC is not able to find a person who would have been a defendant in a civil action under 15 U.S.C. §1125(d)(1), but has sent a notice of the alleged violation and intent to proceed under this paragraph to the registrant of the domain name at the postal and

email address provided by the registrant to the registrar, as well as to the registrant via the registrar.

Exhibit C. HSC will publish notice of the action as the Court may direct promptly after filing the action, and proposes to do so by notice to eName.

20. The current registrars' theft, registration and unauthorized use of the <hsc.com> domain name has caused and will continue to cause irreparable injury to HSC. Without control of the domain name, HSC cannot conduct email operations and is subject to having its email communications intercepted and controlled by the current registrar. Nor can HSC manage its web page and Internet presence.

21. HSC has no adequate remedy at law.

### **REQUEST FOR RELIEF**

WHEREFORE, HSC respectfully requests the following relief:

1. That the Court enter judgment that the theft, registration and use of the <hsc.com> domain name violates the Anticybersquatting Consumer Protection Act, 15 U.S.C. 1125(d);
2. That the Court issue an order directing VeriSign to change the registrar of the <hsc.com> domain name to a registrar of HSC's choosing and thereafter be registered in HSC's name; and

3. That the Court grant HSC such other, different, and additional relief as the Court deems just and proper.

Date: December 27, 2012

Respectfully submitted,

HUGHES SYSTIQUE CORPORATION  
By Counsel



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